

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

|                           |   |                       |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | ) | NOS. CR-05-0184-WFN-1 |
| Plaintiff,                | ) |                       |
| -vs-                      | ) |                       |
| DAVID ALLAN SIDWELL,      | ) | ORDER                 |
| a/k/a David Sidwell,      | ) |                       |
| Defendant.                | ) |                       |

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A hearing, previously set for a change of plea, was held February 5, 2009. The Defendant, who is in custody, was present and represented by retained counsel John Henry Browne; Assistant United States Attorney Jared Kimball represented the Government.

The parties advised the Court that the matter will likely resolve short of trial but the parties are not ready to proceed to a change of plea at this time. The parties jointly requested that another hearing be set for the change of plea and that the current trial date be continued a few weeks.

The Court has reviewed the file and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that:

1. The joint oral request for a trial continuance is **GRANTED**. The trial may be continued a short time and still be within the Defendant's speedy trial time out.
2. The trial date of February 23, 2009, is **STRICKEN and RESET to March 9, 2009, at 1:00 p.m., in Spokane, Washington.**

1           3. The final pretrial conference of February 23, 2009, is **STRICKEN and RESET**  
2 **to March 9, 2009, at 11:00 a.m., in Spokane,** Washington.

3           4. Trial briefs, motions in limine, requested voir dire, witness and exhibit lists, and  
4 a set of proposed **JOINT JURY INSTRUCTIONS** shall be filed and served on or before  
5 **February 23, 2009.**

6           Jury instructions should only address issues that are unique to this case, and shall  
7 include instructions regarding the elements of each claim, any necessary definitions and a  
8 proposed verdict form.

9           The Joint Proposed Jury Instructions shall include:

10           (a) The instructions on which the parties agree; and

11           (b) Copies of instructions that are disputed (i.e., a copy of each party's proposed  
12 version of an instruction upon which they do not agree). All jury instructions from the most  
13 current edition of the Ninth Circuit Manual of Model Jury Instructions may be proposed by  
14 number. The submission of the Joint Proposed Jury Instructions will satisfy the requirements  
15 of LR 51.1(c).

16           Each party shall address any objections they have to instructions proposed by  
17 any other party in a memorandum. The parties shall identify the specific portion of any  
18 proposed instruction to which they object and shall elaborate the basis for the objection.  
19 Objections asserting that an instruction sets forth an incorrect statement of law shall  
20 describe the legal authority that supports this objection. Failure to file an objection and  
21 supporting argument may be construed as consent to the adoption of an instruction proposed  
22 by another party.

23           5. A change of plea hearing shall be **SET for February 18, 2009, at 2:00 p.m., in**  
24 **Spokane,** Washington.

25           The District Court Executive is directed to file this Order and provide copies to  
26 counsel.

s/ Wm. Fremming Nielsen  
WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE